

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Media Bureau Seeks Comment on Over-the-Air)	MB Docket No. 04-210
Broadcast Television Viewers)	
)	

To: The Commission

REPLY COMMENTS OF UNIVISION COMMUNICATIONS INC.

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Dated: September 7, 2004

SUMMARY

The comments filed in this proceeding demonstrate that the population at large, and the Hispanic population specifically, continue to be heavy users of analog over-the-air broadcast signals. In fact, 40% of Hispanic households nationwide rely exclusively on over-the-air reception for their local news, emergency information, and other local programming. In light of these facts, many commenters, including Univision, conclude that it is premature to consider terminating analog service, but note that the time is indeed ripe for the Commission to take the steps necessary to encourage consumer adoption of DTV technology. This necessarily includes making local DTV signals available in all homes, including those of cable and satellite subscribers, so that universal broadcast service and the many local and national benefits it conveys can be preserved.

Those arguing in favor of premature termination of analog broadcasting are principally entities wishing to sell wireless equipment and services that will utilize the analog television spectrum. For obvious reasons, these commenters are generally unconcerned with the needs of over-the-air viewers, and they therefore adopt a “damn the torpedoes” approach to the DTV transition that will be unimaginably harmful to the public, but which will create a win-win situation for those commenters wishing to sell both digital to analog converters and wireless communications equipment that uses the released analog television spectrum. In this regard, Motorola’s “Analysis” of over-the-air viewing of stations operating on channels 62-65 and 67-69 is woefully defective, and is obviously more intent upon creating a justification for terminating analog over-the-air broadcasting than in determining the actual facts regarding the public’s continued use of analog over-the-air broadcasting.

In the end, it will be the public that determines when analog broadcasting has outlived its usefulness, and any effort to prematurely terminate it without first assuring that the public has fully adopted DTV is doomed to failure. It is to the benefit of the government and all affected industries that the transition move along as quickly as possibly, and these same entities must work together to encourage the public to dip their toe in the DTV waters. Abruptly kicking viewers off of the analog bridge and hoping they can swim is not an option.

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Univision Communications Inc. (“Univision”), by its counsel, hereby submits its Reply Comments in the above-captioned proceeding in response to the Media Bureau’s request for comment on the effect of terminating analog broadcasting at the end of the digital transition. Public Notice, *Media Bureau Seeks Comment on Over-the-Air Broadcast Television Viewers*, 19 FCC Rcd 9468 (MB 2004).

A review of the comments filed reveals that those commenting in this proceeding fall principally into two groups. The first group is primarily concerned with ensuring continued access to universal, free, over-the-air television for all viewers.¹ This group acknowledges the added burden upon broadcasters of having to simultaneously operate both analog and digital facilities, but argues that this burden is unavoidable until such time as analog broadcasting can be

¹ See, e.g., Comments of Capitol Broadcasting Company, Inc. at 1 (“CBC does not support abandoning any analog over-the-air viewer.”); Comments of The Walt Disney Company at 2 (“Disney/ABC is extremely concerned about any action that would disenfranchise any of these viewers.”). See also Comments of the Association of Public Television Stations; Comments of the Community Broadcasters Association; Comments of Entravision Holdings, LLC; Comments of Minority Media and Telecommunications Council; Comments of National Association of Broadcasters and the Association for Maximum Service Television; Comments of Paxson Communications Corporation; Comments of Sinclair Broadcast Group, Inc.; Comments of Univision Communications Inc. (“Univision Comments”).

halted without harming the public's access to free, over-the-air programming. The second group of commenters wants analog broadcast spectrum reclaimed as quickly as possible in order to sell products and subscription services using the newly-available spectrum.² This group of commenters is largely indifferent to the harm to the public that would be caused by premature termination of analog broadcasting, arguing that the harm to this large segment of the population is outweighed by the benefits of making the spectrum available for more exotic uses. In other words, those who would be most harmed by termination of analog broadcasting are not the target market for these commenters' planned uses of the vacated spectrum. Fortunately, the Commission's overarching mandate to protect the public interest prevents it from being this callous to the needs of the public.

Ultimately, almost all commenters agree that the Commission can do much to achieve all of these ends – promoting the public's acquisition of digital receivers, thereby speeding the day when broadcasters will no longer have to operate dual facilities, and thereby freeing the analog spectrum for new and experimental technologies. Unfortunately, it is not possible to reverse the sequence of these objectives by attempting to terminate analog broadcasting first, and then to promote the public's acquisition of digital receivers last. As a result, the Commission's one and only path to fulfilling these objectives is clear, and the Commission now must accelerate its efforts to reach the first of those milestones – ensuring that all Americans have actual, rather than theoretical, access to a universal free, over-the-air *digital* broadcast service.

² See, e.g., Comments of 700 MHz Advancement Coalition; Comments of Information Technology Industry Council; Comments of Intel Corporation; Comments of LG Electronics U.S.A., Inc.; Comments of Motorola; Comments of RadioShack Corporation.

I. OVER 65 MILLION AMERICANS RELY EXCLUSIVELY ON OVER-THE-AIR BROADCASTING TO RECEIVE THEIR LOCAL BROADCAST TELEVISION STATIONS

Univision's Comments noted that over 44 million Americans rely exclusively on over-the-air television for *all* of their television programming.³ Many other commenters also noted that a significant number of Americans continue to rely on over-the-air analog broadcasting.⁴ One point raised in those comments is the substantial number of DBS households that also rely exclusively on over-the-air reception for their local programming because they cannot, or choose not to, receive their local station signals from their DBS provider.⁵ According to Nielsen, 44% of DBS subscribers do not receive their local broadcast stations as part of their DBS service, adding an additional 21.2 million Americans that rely on over-the-air reception for their local broadcast signals.⁶ In other words, **over 65 million** Americans rely *exclusively* on over-the-air reception for their local news, emergency information, and other local programming.

³ Univision Comments at 6 (*citing* Nielsen Media Research, NTI, 2004). Thus, the number is actually 25 percent higher than the estimate recently cited by Commissioner Michael J. Copps. Michael J. Copps, *Show Me the Convention*, N.Y. TIMES, Aug. 30, 2004, at A21 ("Around 35 million Americans don't get cable, often because they cannot afford it.").

⁴ Comments of the Association of Public Television Stations at 6-9; Comments of Capitol Broadcasting Company, Inc. at 3; Comments of the National Association of Broadcasters and the Association for Maximum Service Television at 5; Comments of The Walt Disney Company at 1-2.

⁵ Comments of the Association of Public Television Stations at 7.

⁶ Nielsen Media Research, Home Tech Recontact Study, Feb. 2003; Nielsen Media Research, NTI, Feb. 2004. While some of these viewers might have digital tuners and therefore be able to receive their local stations' digital signals, that number is miniscule. Assuming for the sake of argument that each and every one of the 700,000 DTV tuners or sets with a built-in DTV tuner that have been sold since 1998 is being used for over-the-air reception, that would still leave nearly 64 million Americans relying solely on over-the-air analog broadcast signals for their local broadcast programming.

II. FORTY PERCENT OF HISPANIC HOUSEHOLDS NATIONWIDE RELY EXCLUSIVELY ON OVER-THE-AIR ANALOG BROADCASTING TO RECEIVE THEIR LOCAL BROADCAST TELEVISION STATIONS

Univision's Comments focused principally upon Hispanic television viewers' reliance on over-the-air reception. Specifically, Univision noted that 33% of Hispanic viewers rely *exclusively* on over-the-air broadcast television for *all* of their television programming.⁷ Based on Nielsen data, an additional 7% of Hispanic households are DBS households that rely on over-the-air reception for all of their *local* programming. Thus, **a total of 40% of Hispanic households nationwide rely *exclusively* on over-the-air reception for their local news, emergency information, and other local programming.**⁸

Hispanic reliance on over-the-air *analog* broadcasting is further demonstrated by Nielsen data that indicates, based upon Nielsen's current sample of households nationwide, that no U.S. Hispanic household is equipped to view DTV signals over-the-air.⁹ Thus, this very large number of Hispanic over-the-air viewers is indeed watching purely analog broadcast signals. Moreover, as noted in Univision's Comments, over the past four years, the number of Hispanics relying solely on over-the-air (analog) reception actually *increased* by over 7%.¹⁰

⁷ Univision Comments at 8 (*citing* Nielsen Media Research, NHTI, 2004). In addition to those that rely exclusively on over-the-air reception, many Hispanic MVPD households use at least one over-the-air television set. For example, in the top five Hispanic markets, an average of 20% of Hispanic households that subscribe to an MVPD also rely at least partially on over-the-air reception. Nielsen Media Research, NHTI, Feb. 2004. In hard numbers, over 962,000 Hispanic households that subscribe to an MVPD and nearly 3.5 million Hispanic individuals in just these five markets rely at least partially on over-the-air reception and would be negatively impacted by the early termination of analog broadcasting. Nielsen Media Research, NHTI, Feb. 2004; Nielsen Media Research, NHTI, 2004 Universe Estimates.

⁸ Nielsen Media Research, Home Tech Recontact Study, Feb. 2003; Nielsen Media Research, NHTI, July 2004.

⁹ Univision Comments at 8 (*citing* Nielsen Media Research, Custom Research, 2004).

¹⁰ Univision Comments at 9 (*citing* Nielsen Media Research, NHTI, 1999-2004).

In short, a review of the comments in this proceeding indicates a strong consensus that the population of over-the-air analog viewers, and particularly over-the-air Hispanic analog viewers, is immense, and any effort to “expedite” the DTV transition by disregarding this large segment of the population is both unwise and doomed to failure.

III. MERELY COUNTING CABLE SUBSCRIBERS AS DTV VIEWERS WILL NOT CREATE A SUCCESSFUL CONCLUSION TO THE DTV TRANSITION

In its Comments, Univision voiced significant concerns over recent proposals to terminate analog broadcasts prematurely by declaring cable television subscribers to be capable of viewing downconverted DTV signals, thus qualifying as DTV-capable for purposes of the 85% DTV penetration threshold.¹¹ However, eliminating the incentive for cable subscribers to purchase DTV sets by “dumbing down” digital broadcasts to analog quality will increase the duration and pain of the public’s actual transition to digital television. By removing cable subscribers from the pool of potential DTV buyers, the Commission would also destroy the economies of scale that will ultimately make DTV an economically viable option for all consumers.¹² The comments of the Information Technology Industry Council support this conclusion, noting that allowing cable companies to downgrade digital signals will merely increase consumer frustration and dissatisfaction.¹³

The Association of Public Television Stations makes the additional point that cable companies are likely to discontinue transmission to analog subscribers if a station elects full digital carriage, resulting in the loss of local broadcast stations to a cable company’s analog

¹¹ Univision Comments at 2.

¹² Id.

¹³ Comments of the Information Technology Industry Council at 5.

subscribers or forcing the subscriber to switch to a potentially more expensive digital service.¹⁴ Finally, the Community Broadcasters Association comments that counting cable subscribers in an effort to prematurely end the digital transition would have a disparate impact on its members because Class A and low power television station have no, or extremely limited, rights to cable carriage.¹⁵ As the Commission and Congress have recognized that such stations add greatly to the diversity of local programming available to the public,¹⁶ any “solution” to the pace of the DTV transition that effectively consigns such stations to the digital scrapheap is neither in the public interest, nor the panacea to real world transition issues that must be addressed if the DTV transition is to succeed on any level.

IV. MOTOROLA’S “ANALYSIS” OF OVER-THE-AIR VIEWING IS WOEFULLY FLAWED

While nearly every commenter can be accused of having a financial stake in the outcome of the DTV transition, Univision posits that the interests of itself and other broadcasters are uniquely aligned with the interests of the public here. Because of the added expense of operating both an analog and a DTV facility, as well as the lack of any significant additional revenue from doing so, there is no incentive for broadcasters to retain their analog operations one day longer than is necessary to transition the public to DTV. When the public no longer has a significant need for analog broadcasting, neither will broadcasters. Once the transition has been completed, broadcasters will abandon the analog spectrum assigned to them and continue to provide universal, free, over-the-air television via their digital signals.

¹⁴ Comments of the Association of Public Television Stations at 22. *See also* Comments of the Community Broadcasters Association at n.2.

¹⁵ Comments of the Community Broadcasters Association at 2-3.

¹⁶ *Establishment of a Class A Television Service*, 15 FCC Rcd 6355 (2000) at ¶¶ 1-7; The Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, § 5008 (1999), codified at 47 U.S.C. § 336(f).

On the other hand, those commenters advocating a “damn the torpedoes” approach to terminating analog broadcasting are generally not even those who will ultimately use the spectrum, but instead are those who seek to profit from selling equipment and services that will utilize the released analog television spectrum.¹⁷ It is therefore entirely understandable that they give the public’s continued use of analog television short shrift and are not overly concerned with the loss of universal television service. However, given that the FCC has worked for over half a century to eliminate television “white areas” in order to achieve a universal television service,¹⁸ it must scrutinize carefully the comments of those who seek to effectively reintroduce television white areas in every community in America where analog viewers remain.

At the forefront of these commenters is Motorola, Inc. Motorola seeks an early termination of analog broadcasting so that it can first sell digital converter boxes to over-the-air viewers, who must acquire one for each analog television they wish to continue to use.¹⁹ Then Motorola can also sell wireless communications equipment which operates in the released analog television spectrum to the public and private sectors. Thus, Motorola is like a real estate developer, which must have a steady supply of fresh land to subdivide, promote, and resell in order to make a profit. It has targeted the analog television spectrum as its next subdivision, and is not particularly concerned with evicting those who have farmed the land all these years or

¹⁷ See, e.g., Comments of 700 MHz Advancement Coalition; Comments of Information Technology Industry Council; Comments of Intel Corporation; Comments of LG Electronics U.S.A., Inc.; Comments of Motorola; Comments of RadioShack Corporation.

¹⁸ See, e.g., *Channel 32 Broadcasting Company*, 5 FCC Rcd 7373 (Rev. Bd 1990) at ¶ 12 (“Furthermore, as a matter of policy, service to white areas is of paramount importance in licensing television stations.”).

¹⁹ Comments of Motorola, Inc. at 7. Given NAB’s estimate that there are currently 280.5 million analog television sets in the United States, and accepting Motorola’s optimistically low price projection of \$67 per converter, the market for converters would be a nearly 18.8 billion dollar market. See Comments of the National Association of Broadcasters and the Association for Maximum Service Television at 3.

those members of the public who depend upon these analog farmers for their television sustenance. While premature termination of analog broadcasting is a win-win for such spectrum speculators, the loss will be borne by analog viewers nationwide.

Univision does not doubt that Motorola is genuinely concerned about homeland security technologies, but the fact remains that homeland security is good business for Motorola,²⁰ and the Commission must be wary of the reliability of the assertions made in Motorola's comments. In particular, the flawed and misleading "Analysis" submitted by Motorola²¹ to promote the belief that television stations operating on channels 62-65 and 67-69 are rarely watched over-the-air is (1) flawed in its methodology, (2) erroneous in its data, (3) conveniently ignores *entirely* all over-the-air viewing of close to *half* of the 75 stations operating in that portion of the spectrum, and (4) Motorola's results are flatly contradicted by far more complete Nielsen data.

Although the flaws in Motorola's Analysis are numerous, the one that is the most staggering is the omission from Motorola's over-the-air viewing totals of all viewing data for 31 of the 75 stations operating on channels 62-65 and 67-69. While such an enormous "omission" would, by itself, easily make any data generated by the Analysis meaningless, the harm is exacerbated by the fact that 12 of the missing stations are in the top 10 markets and 17 of the missing stations are in the top 20 markets. It is therefore difficult to even estimate how many millions of over-the-air viewers were "missed" by Motorola's Analysis.

²⁰ In the first six months of 2004, Motorola saw a \$285 million *increase* in net sales from the relevant business segment over the first six months of 2003 and attributed the jump to "increased spending by customers in the segment's government market, in response to global homeland security initiatives." Motorola, Inc., Form 10-Q (filed Aug. 11, 2004) at 33. Motorola's SEC filings also report that, for the six months ending July 3, 2004, the relevant business segment had sales of \$2,144,000,000. Motorola, Inc., Form 10-Q (filed Aug. 11, 2004) at 18.

²¹ Comments of Motorola, Inc. at Attachment.

Motorola seeks to defend this incredible omission from its over-the-air viewing totals (an omission of **41%** of the stations operating on channels 62-65 and 67-69) by stating that the excluded stations “generally” are “public broadcasting stations and other non-commercial stations.”²² In fact, only 10 of the 31 stations are non-commercial. The great majority are commercial stations and include stations affiliated with Univision, TeleFutura, Fox, Telemundo, UPN, and PaxTV. Even if this were not the case, however, there is no conceivable basis to “write off” the over-the-air viewers of public television, since these viewers will be just as harmed by the premature termination of analog broadcasting. This is particularly true in light of the comments of the Association of Public Television Stations, which indicate that over-the-air viewers are actually more likely to be viewers of public television stations.²³ It is stunning that Motorola’s Analysis could ignore all over-the-air viewing of these commercial and non-commercial stations and still claim to be delivering useful information regarding the public harm of shutting down these stations’ analog operations.

Yet other flaws in Motorola’s Analysis include:

- It assumes away *all* over-the-air viewing in cable TV households, ignoring the fact that many cable TV households continue to use one or more over-the-air television sets.²⁴
- The distortion of Motorola’s results caused by ignoring all over-the-air viewing in cable TV households is exacerbated by the fact that, according to Motorola’s own reference source, the Warren Communications Television and Cable Factbook, the definition of “cable TV

²² Comments of Motorola, Inc., Attachment, Appendix C at 24.

²³ Comments of the Association of Public Television Stations at 9.

²⁴ See Comments of the National Association of Broadcasters and the Association for Maximum Service Television, Attachment A at 6 (indicating that 20.8% of MVPD households also have one or more over-the-air sets).

households” includes *satellite* households,²⁵ where, as Nielsen data indicates, 44% of satellite subscribers rely on over-the-air reception for *all* of their local broadcast signals.²⁶ These substantial numbers of over-the-air viewers are categorically excluded from Motorola’s Analysis.

- The Analysis indicates that it also categorically excludes all over-the-air viewing outside a station’s predicted Grade B contour, even though such viewing is fairly common and these viewers will be just as disenfranchised if a station’s analog operations are prematurely terminated.

- The data in the Analysis is erroneous on its face. For example, the listing for Channel 62 in Detroit indicates that there are 1,878,670 cable TV households within the station’s Grade B contour inside its DMA, with another 6,230 cable TV households within its Grade B contour outside its DMA, but it then states that the *total* TV households inside the station’s Grade B contour is only 1,419,260. Clearly a case of garbage in, garbage out.

Thus, having first ignored all over-the-air viewing for over 40% of the relevant stations (which just happen to be in the largest markets), and then having ignored a significant portion of the over-the-air viewing for the remaining stations, it is hardly surprising that Motorola found little over-the-air viewing of the stations it seeks to displace. Under even cursory review,

²⁵ WARREN COMMUNICATIONS TELEVISION & CABLE FACTBOOK, 2003, Stations Volume 1 A13 (Volume 71 2003). Motorola’s confusion as to the meaning of its own data is made apparent by its incorrect assertion on page 17 of the Analysis that satellite households are included among its “non-cable” TV households numbers when, once again, its own source (Warren Communications Television & Cable Factbook) cites the relevant definition of “Non-Cable Television Households” as “A television household which receives *broadcast* television signals” *Id.* (emphasis added). Providing further clarification of that point is the adjacent definition of “Cable Television Households” as “an occupied dwelling unit which subscribes to some level of delivery service for television signals” *Id.* Satellite is obviously one such delivery service.

²⁶ Nielsen Media Research, Home Tech Recontact Study, Feb. 2003.

Motorola's Analysis crumbles. However, just to confirm how badly Motorola's Analysis understates over-the-air viewing, Univision pulled recent viewing statistics for three of its stations included in Motorola's Analysis. The results are enlightening.

For example, almost 351,000 Hispanic households watched WAMI-TV, Channel 69, Hollywood, Florida at least once a week in May 2004.²⁷ This represents 23 percent of all television households in the Miami, Florida DMA.²⁸ Yet, according to Motorola, only 179,752 or 11.62% of households watch the station at least once a week.²⁹ Similarly, over 547,000 Hispanic households (over 7 percent of the New York DMA) watched WFUT-TV, Channel 68, Newark, New Jersey at least once a week in May 2004.³⁰ Motorola's Analysis stated that this station "did not report viewership data" and therefore Motorola counted it as a "0" in its over-the-air viewership tallies.³¹ Similarly, Motorola said that no data was available for Channel 67, Alvin, Texas,³² which in fact had over 162,000 Hispanic households (8.8% percent of the Houston, Texas DMA) watch it at least once a week in May 2004.³³ In these three markets alone, Motorola's "Analysis" simply ignored viewing by almost 3.2 million Hispanic television viewers. Given that 33% of Hispanics nationwide rely exclusively on over-the-air reception, and far more rely at least partially on over-the-air reception, these three stations alone potentially represent a million over-the-air viewers that were "missed" in Motorola's Analysis. One

²⁷ Nielsen Media Research, NHSI, May 2004, Household Cumes, Mon-Sun 7AM-1AM.

²⁸ Nielsen Media Research, NSI, 2004 Universe Estimates.

²⁹ Comments of Motorola, Inc., Attachment, Appendix C at 32.

³⁰ Nielsen Media Research, NHSI, May 2004, Household Cumes, Mon-Sun 7AM-1AM.

³¹ Comments of Motorola, Inc., Attachment, Appendix C at 24, 31.

³² Comments of Motorola, Inc., Attachment, Appendix C at 24, 29.

³³ Nielsen Media Research, NHSI, May 2004, Household Cumes, Mon-Sun 7AM-1AM.

wonders how many more over-the-air viewers were missed for the other 72 stations included in Motorola's Analysis.

As discussed extensively in Univision's Comments, over-the-air viewers are a substantial, and in the case of Hispanic viewers, growing population. While Motorola obviously seeks to downplay this fact, the comments filed by numerous parties in this proceeding make it abundantly clear that over-the-air viewing is not going away anytime soon, and that the public's reliance on over-the-air analog signals has not yet waned. As much as Motorola and similar entities would like to convince the Commission that "only 3% of the TV viewing households in each station's viewing area would be adversely affected"³⁴ by prematurely terminating analog broadcasting on channels 62-65 and 67-69, that is clearly not the case. In any event, as demonstrated above, the "Analysis" it provides to support its claim is meaningless.

V. MOST COMMENTERS RECOGNIZE THAT SUBSIDIZED CONVERTER DISTRIBUTION IS ESSENTIAL TO SUCCESSFULLY CONCLUDING THE DIGITAL TRANSITION

Virtually all Commenters that addressed the issue of a government subsidy for digital to analog converters either support or do not oppose some form of government subsidy.³⁵ As Univision stated in its Comments, however, it is not sufficient to merely offer a partial subsidy; analog set owners "must be held completely harmless."³⁶ Thus, an effective subsidy cannot be limited to 25 or 50 percent of cost, or limited to households earning less than \$25,000 or \$50,000

³⁴ Comments of Motorola, Inc., Attachment at 17.

³⁵ Comments of the 700 MHz Advancement Coalition at 4-5; Comments of the Association of Public Television Stations at 16; Comments of Entravision Holdings, LLC at 4; Comments of the Envisioneering Group at 5; Comments of the Minority Media and Telecommunications Council at 2-5; Comments of Motorola at 7-9; Comments of NAB/MSTV at 11; Comments of New America Foundation at 2; Comments of RadioShack Corporation at 8.

³⁶ Univision Comments at 11 (*quoting* U.S. Representative Rick Boucher).

per year, as the Association of Public Television Stations³⁷ suggests, nor can it be limited to just those that qualify for Life Line or Linkup as suggested by the 700 MHz Advancement Coalition.³⁸ The fundamental principle of holding analog set owners harmless is that in order to maintain universal broadcast service and the public health and safety benefits it conveys,³⁹ all analog over-the-air sets must be converted, regardless of the income level of the household in which the set sits and whether or not some other television set in the household is connected to an MVPD.

Additional justification for holding analog viewers harmless is provided in the Comments of Envisioneering, Inc. Envisioneering offers survey data demonstrating significant consumer confusion regarding the DTV transition.⁴⁰ Perhaps most telling is that “fewer than one in twenty consumers surveyed were aware of any planned shut-down of analog TV.”⁴¹ In other words, in a world where over 95 percent of Americans are still unaware of *any* potential loss of their TV service, moving to eliminate that service will cause enormous disruption among the many millions of viewers who have come to rely on, and have invested heavily in equipment for, that service. All possible steps to prevent such disruption need to be taken if the transition to DTV is to be successfully accomplished.

³⁷ Comments of the Association of Public Television Stations at 20. *See also* Comments of the Minority Media and Telecommunications Council at 2-5.

³⁸ Comments of the 700 MHz Advancement Coalition at 5.

³⁹ Comments of Capitol Broadcasting Company, Inc. at 3; Comments of The Envisioneering Group at 3 (noting widespread reliance on battery powered, portable, analog, over-the-air sets during emergencies).

⁴⁰ Comments of The Envisioneering Group at 2-5.

⁴¹ *Id.* at 5. Envisioneering’s survey data also obviously supports Univision’s statement that extensive and effective consumer education efforts will be essential to a successful transition.

Thus, Univision continues to believe that distribution of digital to analog converters is essential, but that it is not a magic cure-all. Establishing cable and satellite carriage requirements for digital signals, which will do much to make Americans aware of this new service, would also move the transition along. In the end, however, it is the public that will determine when analog broadcasting has outlived its usefulness. It is to the benefit of the government and the affected industries that the transition move along as quickly as possible, and these same entities must work together to encourage the public to dip their toe in the DTV waters. Abruptly kicking them off of the analog bridge and hoping they can swim is not an option.

CONCLUSION

For the reasons stated herein and in its Comments, Univision urges the Commission to acknowledge the substantial and continuing needs of analog over-the-air viewers, and to take all possible steps to encourage consumer adoption of DTV technology, including making local DTV signals available in all homes, including those of cable and satellite subscribers, so that universal broadcast service and the many local and national benefits it conveys can be preserved.

Respectfully submitted,

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